

Appl. No. 10/797,294
Amdt. Dated September 21, 2007
Reply to Office Action of May 21, 2007

...REMARKS/ARGUMENTS...

The present response is based upon applicant's Amendment After Final of August 21, 2007 having been entered upon the filing of a Request for Continued Examination.

The following remarks are believed to be sufficient to place the application into condition for allowance.

Claims 11-18 and 20-32 are pending in this application.

Claims 1-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,129,421 to Gilson et al.

On page 3 of the Office Action the Examiner has objected to claims 19-32 as being dependent upon a rejected base claim, but has otherwise indicated that claims 19-32 would be allowable if rewritten in independent form.

For the reasons set forth below, it is submitted that all of the pending claims are allowable over the prior art of record and therefore, each of the outstanding prior art rejections should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

Claim 19 which the Examiner noted was directed to allowable subject matter recited that the cam was rotatable.

The Examiner has relied upon Gilson et al. as showing:

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...the use of a head restraint support (40) for a foldable head restraint, the head restraint support capable of holding a bun (48,50), comprising a latch mechanism for locking head restraint in a designed position (Fig. 2). The head restraint has a rotational hole (see Figs. 3 and 6) for receiving a rotational shaft (46), the head restraint support pivoting about the rotational shaft. The head restraint is further comprised of a metal substrate (26) for holding the bun, where the metal substrate is enclosed at least partially by an over-molded geometry (see Fig. 1), which is generally cylindrical. The head restraint support has a stabilizer hole for receiving a stabilizer rod (28) and the latch mechanism has a first latch surface (see Fig. 5) for engagement with a *first stop* (56) and a second *latch surface* (54) for engagement with a first *cam surface* (58). Regarding claims 11-18, Gilson shows the use of a first and second head restraint (41) a bracket (34) and a *cam* (66) with a latch mechanism. A rotational bar (46) extends between the first and second head restraint supports along with a stabilizer bar (28). A *first stop pin* (52) is attached to the bracket whereby the latch has a first surface engageable with the stop pin to prohibit motion of the head restraint support and the primary latch has a second *surface* (67) that engages the cam. The metal substrate is inherently formed from a metal fabrication process.

Element 56 of Gilson which the Examiner construes to be a "first stop" is actually a "return spring 56, which includes a coiled portion 57 wrapped around the upper portion 28 of the support post 22, pivotally biases the U-shaped headrest 40 toward the upright position shown in FIG. 6."

Element 54 of Gilson which the Examiner construes to be a "latch surface" is actually a "finger [that] is integrally molded with a halo structure 41 of the U-shaped headrest 40."

Element 58 which the Examiner construes to be a first "cam surface" is actually one of a "plurality of detents 58, 60, 62 engageable with a finger 54 of the U-shaped headrest 40" that are formed in spring steel cam 52.

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Element 66 which the Examiner construes to be a "cam" is actually a "lock pin [that] automatically engages a hole 67 formed through the support portion 68 of the base 34 to positively lock the headrest 40 in the upright position."

Element 52 which the Examiner construes to be a "stop pin" is actually a "spring steel cam 52 having a plurality of detents 58, 60, 62 engageable with a finger 54 of the U-shaped headrest 40."

The spring steel cam deflects so as to allow finger 54 that is integrally molded with a halo structure 41 of the U-shaped headrest 40 to selectively engage and pass between the plurality of detents 58, 60, 62.

Element 67 which the Examiner construes to be a "surface" that engages the cam is "a hole 67 formed through the support portion 68" into which the lock pin engages.

Independent claim 11 was amended to incorporate the limitations previously found in claim 19 and to further recite that the rotatable cam be selectively rotated (independently of the first head restraint support) between the latched and unlatched positions.

Independent claim 1 reads, in part:

... the latch mechanism including a rotatable cam that can be selectively rotated independently of the first head restraint support between a latched position in which a portion of the first head restraint support is locked against pivotal movement and an unlatched position in which the portion of the first head restraint support can *pivot over the cam*.

Element 66 of Gilson et al. which the Examiner has interpreted as reading on applicant's claimed "cam" is actually disclosed by Gilson et al. as being a "lock pin" that "automatically engages

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a hole 67 formed through the support portion 68 of the base 34 to positively lock the headrest 40 in the upright position.”

It is clear that the “lock pin 66” of Gilson does not “*rotate*...between a latched position in which a portion of the first head restraint support is locked against pivotal movement and an unlatched position in which the portion of the first head restraint support can pivot over the cam.

Rather, the “lock pin 66” is confined to linear movement in one of the legs of the U-shaped headrest 40 as illustrated in Fig. 3.

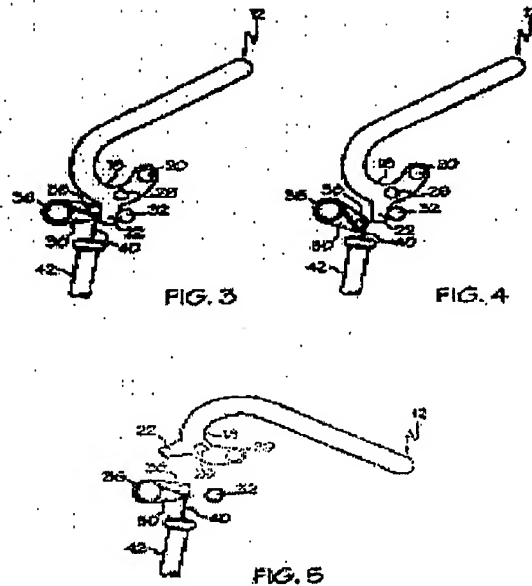
Further, it does not appear that the headrest of Gilson is configured so that the lock pin 66 of Gilson engages a portion of the head rest which, once released from engagement, pivots over the lock pin (i.e. the Examiner’s cam).

In this regard, it is clear that the lock pin 66 only extends through a hole in one of the legs of the U-shaped headrest 40 as illustrated in Fig. 3 and engages hole 67 formed through the support portion 68 when extended. When retracted, there is no structure above the (retracted) lock pin that rotates over, or with respect to, the lock pin.

Moreover, the retracted lock pin 66 clearly rotates with its actuation/latching mechanism together/within the U-shaped headrest 40 and thus necessarily rotates with the head restraint support in contract to applicant’s head restraint support pivoting over or with respect to the cam. See Figs. 3 and 5 in which the latch 22 is engaged by cam 30, and once released, pivots over cam 30 as shown in Fig. 5.

For the Examiner’s convenience, applicant’s Figs. 3-5 are provided as follows:

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As can be appreciated, applicant's structure and function are entirely different from that of Gilson.

Accordingly, it is submitted that Gilson et al. does not anticipate applicant's invention as recited set forth in independent claim 11, or claims 12-18 and 20-32 which depend from claim 11.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

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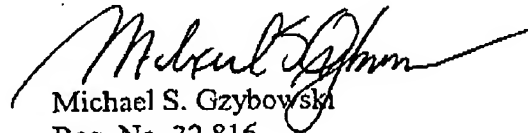
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It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain any outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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